

FACT SHEET

United States Environmental Protection Agency, Region 10
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Proposed reissuance of a general National Pollutant Discharge Elimination System (NPDES) permit to discharge pollutants pursuant to the provisions of the Clean Water Act, 33 U.S.C. § 1251 *et seq.* for

SEAFOOD PROCESSORS OPERATING SHOREBASED FACILITIES IN KODIAK, ALASKA.

This fact sheet includes (a) the tentative determination of the Environmental Protection Agency (EPA) to issue a general NPDES permit, (b) information on public comment, public hearings and appeal, (c) the description of the potential permittees and their discharges, and (d) other conditions and requirements.

Persons wishing to comment on the tentative requirements contained in the proposed general permit may do so before the expiration date of the public notice. All written comments should be submitted to EPA as described in the public comments section of the attached public notice. Comments directed at specific permit requirements and supported by a basis are appreciated.

After the expiration date of the public notice, the Director, Office of Water, EPA Region 10, will make a final determination with respect to reissuance of the general permit. The tentative requirements contained in the draft general permit will become final conditions if no substantive comments are received during the public comment period. The permit is targeted to become effective in March 1998.

Within 120 days following the Federal Register issuance notice of EPA's final permit decision under 40 CFR § 124.15, any interested person may appeal the permit in the Federal Court of Appeal in accordance with Section 509(b)(1) of the Clean Water Act. Persons affected by a general permit may not challenge the conditions of the permit as a right of further EPA proceedings. Instead, they may either challenge the permit in court or apply for an individual NPDES permit and then request a formal hearing on the issuance and denial of an individual permit.

The draft general NPDES permit and Fact Sheet, and other referenced documents may be inspected at the address on page 1 any time between 8:30 a.m. and 4:00 P.M., Monday through Friday. Copies and other information may be requested by writing to EPA at the same address to the attention of Jeanette Carriveau or by calling (206) 553-1214.

The draft general NPDES permit and Fact Sheet is also available for inspection at the following places in Alaska:

USEPA Alaska Operations Office
Federal Building, Room 537
222 West 7th Avenue
Anchorage, Alaska 99513-7588
Telephone: (907) 271-5083

USEPA Alaska Operations Office
410 Willoughby Avenue, Suite 100
Juneau, Alaska 99801
Telephone: (907) 586-7619

Alaska Dept. Of Environmental Conservation
Wastewater Program
555 Cordova Street
Anchorage, Alaska 99501
Telephone: (907) 269-7500

ADEC Environmental Health
316 Mission Road
Griffin Building
Kodiak, Alaska 99615
Telephone: (907) 486-3350

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1.0 THE BASIS FOR ISSUANCE OF A GENERAL NPDES PERMIT

Section 301(a) of the Clean Water Act (CWA, or the Act) provides that the discharge of pollutants to surface waters of the United States is unlawful except in accordance with a National Pollutant Discharge Elimination System (NPDES) permit. EPA's regulations authorize the issuance of general NPDES permits to categories of discharges when a number of point sources discharges:

- ! involve the same or substantially similar types of operations;
- ! discharge the same types of wastes;
- ! are located within a geographic area;
- ! require the same effluent limitations;
- ! require the same operating conditions;
- ! require the same or similar monitoring requirements; and
- ! in the opinion of EPA, are more appropriately controlled under a general permit than under individual permits [40 CFR § 122.28].

2.0 A GENERAL PERMIT FOR THE SEAFOOD PROCESSORS OPERATING SHOREBASED FACILITIES IN KODIAK, ALASKA

Since 1986 all the seafood processing facilities in Kodiak have been required to treat seafood processing wastes by screening the effluent, to recover the waste solids, and to send the waste solids to a by-product reduction facility. EPA has determined that issuing a general NPDES permit for seafood processors in Kodiak meets the requirements and intent of 40 CFR § 122.28. Under the permit, the owners and operators of the shorebased seafood processing facilities engaged in the processing seafood in Kodiak, Alaska, are authorized to discharge seafood processing wastewaters to St. Paul Harbor and Near Island Channel, in accordance with effluent limitations, monitoring requirements and other conditions set forth in the permit.

As provided in 40 CFR §§ 124.8 and 124.56, this fact sheet briefly describes the facilities, discharges, and receiving waters covered by the permit. It also sets forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the permit and its requirements.

Coverage under this permit will expire five years from the date of issuance. An expired general permit continues in force and effect until a new general permit is reissued [40 CFR § 122.28(b)]. Any discharger wishing authorization to discharge under an expired general NPDES permit, however, must receive authorization to discharge prior to the date of expiration.

As with individual NPDES permits, a violation of a condition contained in a general NPDES permit constitutes a violation of the Act and subjects the permittee to the penalties specified in CWA § 309.

Issuing a general permit for several qualified facilities efficiently utilizes scarce agency resources and ensures that permit limitations and conditions continue to protect state water quality standards.

2.1 Applying for Coverage under this Permit

In order to be authorized to discharge any of the pollutants allowed under this general permit, any seafood processing facility discharging to St. Paul Harbor and Near Island Channel must apply for coverage under this permit. As a Notice of Intent to be Covered under this general permit, any new applicants (other than those identified at 3.1) wishing authorization to discharge under this Permit shall submit EPA Form 3510-1 General Information; EPA Form 3510.2C NPDES; and a copy of the completed State of Alaska Coastal Project Questionnaire and Certification Statement.

2.2 Requirements of an Individual Permit

2.2.1 How an individual permit will differ from the general permit

An individual permit would require technology-based permit limitations with treatment accomplished through the use of fine mesh screening (1 mm) or equivalent technology and disposal of all solid processing wastes to a by-product recovery facility. These are the same requirements determined by EPA to be appropriate for the general NPDES permit for shorebased seafood processing facilities in Kodiak.

2.2.2 When a general permittee would be required to apply for an individual permit [40 CFR § 122.28(b)(3)]

EPA may require any discharger covered by a general permit to apply for and obtain an individual permit. In addition, any interested person may petition EPA to take this action. EPA may consider the issuance of individual permits when:

- ! the single discharge or the cumulative number of discharges is/are a significant contributor of pollution;
- ! the discharger is not in compliance with the terms and conditions of the general permit;
- ! a change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source; or
- ! a Water Quality Management Plan containing requirements applicable to such point sources is approved.

2.2.3 How to apply for authorization to discharge under an individual permit
[40 CFR § 122.28(b)(3)(iii)]

Owners or operators covered by a general permit may be excepted from such coverage by applying to EPA for an individual permit. This request may be made by submitting an individual NPDES permit application (Forms 1 and 2C) to EPA. This request shall be submitted no later than 90 days after publication by EPA of the final general permit in the Federal Register, or 180 days prior to the commencement of operation of a new source or new discharger.

3.0 FACILITIES COVERED BY THE GENERAL PERMIT

3.1 Existing Facilities

The following facilities currently operating in Kodiak under individual permits are allowed to discharge under this general permit, having submitted the Notice of Intent to be Covered described at 2.1:

	Individual Permit #	General Permit #
Alaska Fresh Seafoods	AK-000110-4	AK-G52-8110
Alaska Pacific Seafoods	AK-000043-4	AK-G52-8434
Cook Inlet Processing -- Gibson Cove	AK-004864-0	AK-G52-8486
East Point Seafoods	AK-000042-6	AK-G52-8426
International Seafoods -- #1 Shelikof St.	AK-000035-3	AK-G52-8353
International Seafoods -- #2 Marine Dr.	AK-002666-2	AK-G52-8266
Ocean Beauty (King Crab)	AK-000049-3	AK-G52-8493

Tyson Enterprise Seafoods (Alcod)	AK-000036-1	AK-G52-8361
Tyson Enterprise Seafoods-Star/Kodiak	AK-000083-3	AK-G52-8833
Western Alaska Seafoods	AK-000082-5	AK-G52-8825

3.2 Facilities Not Covered by the Permit

Facilities which have not submitted applications as required in 2.1 above and have not received EPA approval in writing are not authorized to discharge under this permit.

4.0 PROPOSED DISCHARGES

4.1 Composition

4.1.1 Seafood processing wastes

The Kodiak shorebased facilities discharge a pollutant wasteload consisting of biochemical oxygen demand 5-day (BOD_5), total suspended solids (TSS; including floating, suspended, and settleable residues), seafood oils and grease (O&G), pH, temperature, and residual disinfectants. One facility also has a small domestic and sanitary discharge.

The seafood wastewater discharge consists of butchering waste streams, surimi processing waste streams, and a fish powder waste stream which must all be screened before discharge.

A review of completed discharge monitoring reports revealed that in 1996, four facilities operated between 192 and 287 days.

4.1.2 Processing disinfectants

Process water, obtained from the City of Kodiak, is chlorinated prior to use as needed. As a result of periodic use, free chlorine may be present in residual amounts. However, total residual chlorine was monitored during the first year of the previous permit and there was no detection of total chlorine residual in the discharge.

4.2 Treatment and Discharge

The facilities currently collect and route seafood processing wastes and wastewaters to a treatment system consisting of 1 mm screens (or equivalent technology) with the discharge of wastewater to St. Paul Harbor or Near Island Channel; the solid seafood wastes are conveyed to a waste holding area, collected and transported by truck

to the by-product recovery facility (Kodiak Fish Meal Company in Gibson Cove), or in the case of International Seafoods, processed in their fish powder facility.

All but one of the facilities listed in 3.1 above discharge domestic and sanitary wastewater to the City of Kodiak's sewage treatment facility where it receives secondary treatment prior to discharge. Cook Inlet Processing treats its domestic and sanitary wastes in a secondary treatment package plant and discharges the treated wastewater through the main outfall with the seafood processing wastewaters.

4.3 Other Wastewaters

Other wastewaters, including noncontact cooling water, boiler water, freshwater pressure relief water, refrigeration condensate, water used to transfer seafood to the facility, and live tank water, are authorized for discharge under the permit. The wastewaters listed in this paragraph with the exception of transfer water, do not occur in significant amounts and are unlikely to impact water quality. The transfer water may create foam and scum on the surface of the receiving water. If the foam and scum are persistent, there is potential to cause some impact on water quality. Permittees are required to conduct daily sea surface and shoreline visual monitoring on days of operation and report the occurrence of persistent foam and scum.

4.4 Storm Water

According to information received from EPA Headquarters, seafood processing activities do not fall within the definition of industrial activity that requires a storm water permit, provided that the processing activities are not exposed to storm water. Storm water will be addressed in the Best Management Practices Plan.

4.5 Discharges Not Authorized by the Permit

The permit does not authorize any pollutants which are not expressly authorized in the Permit. This includes, but is not limited to, petroleum hydrocarbons and toxic pollutants listed in 40 CFR § 401.15.

5.0 Receiving Waters

5.1 Near Island Channel and St. Paul Harbor

Nine of ten existing facilities are along the harbor front on the Near Island Channel and St. Paul Harbor. The other facility extends its outfall through the mouth of Gibson Cove into St. Paul Harbor.

Both receiving waters are classified by the Alaska State Water Quality Standards as Classes (2)(A)(I)(ii)(iii), (B)(I)(ii), (C), and (D) for use in aquaculture, seafood processing and industrial water supply, contact and secondary water recreation, growth and propagation of fish, shellfish, other aquatic life and wildlife, and harvesting for the consumption of raw mollusks or other raw aquatic life.

5.2. Water Quality

The state water quality parameters which could be affected by the discharge are dissolved oxygen, pH, turbidity, oil and grease, residual chlorine, total suspended solids, and settleable solids.

Settleable solid residues on the seafloor have been eliminated by the screening requirement and disposal of waste solids to the by-product recovery facility. While there may be some temporary turbidity during heavy processing periods, the tidal currents carry the pollutants out of the immediate receiving water areas. Dive surveys over the past five years show that there are no accumulations of seafood wastes at the end of any of the outfalls. Visual observation of the surface of the receiving water and shorelines during processing days is a continuing requirement and the number of observations is reported on the monthly discharge monitoring report.

6.0 EFFLUENT LIMITATIONS

6.1 General Approach

The Clean Water Act declares that “the discharge of any pollutant by any person shall be unlawful” except as in compliance with the Act [CWA Section 301].

Sections 101, 301, 302, 304, 308, 401, and 402 of the Act provide the basis for the effluent limitations and other conditions in an NPDES permit. EPA evaluates discharges with respect to these sections of the Act and relevant NPDES regulations [40 CFR §§ 121-125] to determine which limitations apply to the discharges. The permit limitations will reflect whichever limitations (technology-based or water quality-based) are more stringent.

EPA must also include monitoring requirements in the permit to monitor compliance with effluent limitations [CWA Section 402(a)(2)]. In the event that any condition of a permit for discharges to surface waters of the United States has been violated, EPA or citizens may undertake an enforcement action against the facility [CWA Section 402(h)].

The evaluation of technology-based and water quality-based limitations is described in more detail below.

6.2 Technology-based Evaluation

6.2.1 Statutory basis for technology-based limitations

The Act requires that all NPDES permitted discharges achieve technology-based effluent limitations established under Section 301, 306, or 402(a)(1), and comply with the state water quality standards established under Section 303 of the CWA. The NPDES regulations, 40 CFR 122.44(d), specifically require an NPDES permit to include effluent limitations for those pollutants that have a reasonable potential to cause or contribute to an in-stream excursion above the allowable ambient concentration of a state water quality standard.

Particular categories of industrial dischargers are required to meet effluent limitations established by EPA. Technology-based limitations are based on effluent guidelines developed by EPA for specific industries.

6.2.2 Technology-based effluent limitations

Technology-based requirements for Canned and Preserved Seafood Processing have been promulgated in 40 CFR § 408 and supported by a number of technical development documents [USEPA 1975, Jordan 1979]. These limitations are applicable to conventional/hand-butchered or mechanical processing of seafood.

Existing point sources located in processing centers including Kodiak (non-remote) shall meet the technology-based effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT). The use of fine mesh screening (1 mm), or equivalent technology, continues to be the application of the best practicable control technology currently available to achieve the effluent limitations as referenced in the following: Alaskan Hand Butchered Salmon Processing [40 CFR § 408.167], Non-Alaskan Mechanized Bottom Fish Processing [40 CFR § 408.227], Alaskan Bottom Fish Processing [40 CFR § 408.207], Non-Remote Alaskan Whole Crab and Crab Sections Processing [40 CFR § 408.67], and Non-Remote Alaskan Shrimp Processing [40 CFR § 408.97].

The applicable limitations for BCT are the same as those specified for conventional pollutants found in the following: Alaskan Hand-Butchered Salmon Processing [40 CFR § 408.162], Non-Alaskan Mechanized Bottom Fish Processing [40 CFR § 408.222], Alaskan Bottom Fish Processing [40 CFR § 408.202], Non-Remote Alaskan Whole Crab and Crab Sections Processing [40 CFR § 408.62], Alaskan Shrimp Processing [40 CFR § 408.92].

The limitations in 40 CFR § 408.207 for Alaskan Bottom Fish was based on halibut being the dominant bottom fish species. With the introduction of a multitude of other bottom fish being processed, such as cod, pollock, flounder (arrowtooth), rockfish/red snapper, black cod/sable fish, flatfish/sole, and other whitefish species, the limitations based on halibut did not adequately reflect the current processing. The bottom fish species are usually brought to the plant whole, where processing the fish involves more extensive butchering and mechanization; therefore, it has been determined that Non-Alaskan Mechanized Bottom Fish Processing Effluent Guidelines [40 CFR § 408.222] more accurately reflect current processing operations for bottom fish.

6.2.3 Surimi processing limitations

There are no effluent guidelines for surimi processing. Based on technology used to recover solids, a size limit on solids of 1 mm is included based on Best Professional Judgement. Monitoring of flow, BOD₅, TSS, and O&G will be required by the permit.

6.2.4 Fish powder limitations

The operation of a fish powder processing plant is being done by one facility and is significantly different than the fish meal production done in other facilities where the effluent guidelines [40 CFR § 408.155] have been applied. EPA does not have the data to support a determination of appropriate technology-based limits for fish powder processing at this time. This facility will monitor BOD₅, TSS, O&G, pH, temperature, flow, and settleable solids during the period of the permit to establish a basis for limitations in any subsequent permit.

6.2.5 Mechanical v conventional processing

In the previous individual permits, when more than one species was processed on a sampling day, the effluent limitation for that day was based on the proportion of each species processed. This proposed permit is emphasizing the way seafood is processed rather than what is processed; i.e., mechanized or conventional.

Mechanical processing may be characterized as skinning, scaling, gutting, removing heads and fins, mincing, filleting, and deboning by an automated or machine method. Conventional processing may be characterized as heading, gutting, removing fins, deboning, skinning, and filleting by hand.

As a benchmark in selecting which limitations to apply to the processing waste stream, the permittees will determine how much of the weight of the solid wastes generated is from the use of more than one automated and/or mechanized method.

If more than 50% of the weight of the solid wastes is from automated and/or mechanized methods, then the mechanized limitations can be applied (e.g., just heading halibut is not considered mechanized even if done by a chopping machine).

Once the designation of mechanized or conventional processing is determined, the loading values for TSS and O&G are expressed in terms of pounds of pollutant per 1000 pounds of raw product processed and reported for a designated parameter on the monthly

Discharge Monitoring Report (DMR). If both mechanized and conventional processing occurs during the month, then calculations to determine the variable limitations will need to be done and reported for the designated parameter for multi-processing. Sample calculations are included in 11.1 and 11.2 of this Fact Sheet.

6.3 Water Quality-based Evaluation

6.3.1 Statutory basis for water quality-based limitations

Sections 302 and 307 of the Act require the establishment of limitations in permits necessary to meet water quality standards. The NPDES regulations at 40 CFR § 122.44(d)(1) require that permits include limits on all pollutants or parameters which “are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard, including state narrative criteria for water quality” [54 *Fed.Reg.* 23868-23899, June 2, 1989].

All discharges to state waters must comply with state and local coastal management plans as well as with state water quality standards, including the state’s antidegradation policy. Discharges to state waters must also comply with conditions imposed by the State as part of its coastal management program consistency determination and of its certification of NPDES permits under Section 401 of the Act. The stipulated requirements of the State’s Section 401 certification of the permit must be necessary to assure compliance with both the Act and appropriate requirements of state law and must be more stringent than the conditions of the permit [40 CFR § 124.53(e)].

6.3.2 Applicable water quality standards

One of the water quality concerns is seafood processing residue. The Alaska Water Quality Standards state that residues, including floating solids, debris, sludge, deposits, foam scum, or other residues, “may not, alone or in combination with other substances or wastes, make the water unfit or unsafe for the use, or cause chronic problem levels . . . (or) . . . cause a film, sheen, or discoloration on the surface of the water or adjoining shorelines; cause leaching of toxic or deleterious substances; or cause a sludge, solid, or emulsion to be deposited beneath or upon the surface of the water,

within the water column, on the bottom, or upon adjoining shorelines” [Alaska Administrative Code (ACC) § 18.70.020].

Additional water quality concerns include seafood oil and grease, pH, and total chlorine residual. The State water quality standards for oil and grease is that the effluent discharge “may not cause a film, sheen, or discoloration on the surface or floor of the water body or adjoining shorelines . . . surface waters must be virtually free from floating oils.” The permit requires no discharge of floating solids, visible foam, or oily wastes which produce a sheen on the surface of the receiving water, no accumulation of seafood processing wastes on the shoreline, and no accumulation of wastes on the seafloor of the receiving water. In addition the sea surface and shoreline monitoring and reporting requires daily observation for occurrences of sheens, floating solids, foam, oily wastes, and scum on the water surface and shoreline. Also a survey of the sea floor is required.

The standard for pH is that the effluent discharge may not be less than 6.5 or greater than 8.5 standard units.

The standard for total residual chlorine is that the effluent discharge “may not exceed 2.0 µg/L for salmonoid fish, or 10.0 µg/L for other organisms” [ACC § 18.70.020].

In the previous permit, the sampling for chlorine residuals revealed that there was no detectable amounts found in the discharges; for that reason there are no total residual chlorine limitations in the permit.

6.4 Summary of Effluent Limitations

EPA has determined that the applicable technology-based effluent limits as set forth in 40 CFR § 408 and the use of fine mesh screening (1 mm) or equivalent technology as the application of best conventional pollutant control technology is protective of water quality.

EPA has determined that the water quality limits for pH and residues, in conjunction with the screening of all seafood processing wastes, is protective of the receiving water and marine environment and meet Alaska Water Quality Standards.

6.5 Seafood Processing Solid Waste Limitations

All solid seafood processing wastes will be disposed of at a by-product reduction facility. Seafood wastes shall not be pulverized, ground, chopped, or otherwise altered prior to screening. No grinding of seafood wastes prior to screening is a best management practice which carries out the intent of the Clean Water Act to reduce the amount of pollutants entering the receiving waters.

7.0 MONITORING REQUIREMENTS

7.1 Discharge Monitoring

Monitoring is required pursuant to 40 CFR § 122.44(l) and is necessary for determining compliance with permit effluent limitations and to evaluate potential water quality impacts resulting from the discharge. Monitoring frequencies are based on the Agency's determination of the minimum sampling required to adequately monitor the performance of the facility. Weekly sampling and monitoring is required in this proposed permit. Monitoring results are to be summarized and reported on monthly Discharge Monitoring Reports which are to be postmarked by the 10th of the month.

Sampling is to be representative of the waste stream flow. When processing is for short periods or intermittent periods, samples are to be taken midway during the processing period, provided the processing is more than 6 hours

Depending on the processing of individual facilities, the surimi and fish powder waste streams are sampled prior to screening and commingling with the final effluent discharge waste stream. The concentrations of TSS and O&G in the surimi and fish powder waste streams can be subtracted from the final effluent waste stream concentrations of TSS and O&G. The purpose of this allowance is to appropriately apply the mechanized or conventional limitations to the final effluent waste stream minus the surimi or fish powder waste streams.

As provided in the previous permit, this proposed permit will allow for oil and grease analysis to be done by the Collins-Tenny test procedure. The oil and grease methods using trichlorotrifluoroethene (Freon-113) are to be replaced by Method 1664 which is a chlorofluorocarbon-free alternative to determine oil and grease by extraction and gravimetry.

7.2 Seafloor Monitoring

Dive surveys are considered the only accurate means of assessing the efficacy of the screening technology and the impacts of the discharge on marine biota and sediments. Annual dive surveys over the past five years have shown that there has been no accumulations of seafood wastes and that there is a level of marine biota along the outfalls and at the terminuses.

The proposed permit requires one dive survey, documented on video to be conducted by September 30, 2000, and submitted to EPA by December 31, 2000.

7.3 Sea Surface and Shoreline Visual Monitoring

Based on concerns about possible impacts of the effluents on aesthetic conditions of the sea surface and shoreline, daily surveys during operating periods are required to ensure that the permittee is aware of any problems which could develop from the discharge in a timely fashion.

Instances of floating solids, visible foam, or oily wastes only need to be reported when it is a persistent occurrence. When floating solids, visible foam, or oily wastes are seen on the sea surface, monitoring should be done frequently (every hour or two) to document the occurrence and determine the length of time the occurrence persists. If the floating solids, visible foam, or oily wastes persist longer than one tidal cycle, then the occurrence needs to be reported in accordance with the 24-hour noncompliance condition of the Permit. Logs of the daily visual monitoring shall be kept to aid in documenting the number of days of visual monitoring during the month on the DMR.

Accumulations on the shoreline should be removed if possible and also reported in accordance with the 24-hour noncompliance condition of the Permit.

8.0 SPECIAL CONDITIONS REQUIRED BY THE PERMIT

8.1 Basis for Quality Assurance Requirements

The permittee is required to properly operate and maintain all facilities which are used by the permittee to achieve compliance with the conditions of the permit [40 CFR § 122.41(e)]. The permittee is also required to ensure adequate laboratory controls and appropriate quality assurance procedures whether in their own on-site laboratory or with the use of a commercial laboratory.

The proposed permit requires the permittee to ensure that the collection and analysis of effluent and water quality data is in accordance with EPA-approved quality

assurance and quality control (QA/QC) procedures. Noncompliance with the quality assurance requirements of the permit constitutes noncompliance with the Permit.

The proposed permit requires that the QA/QC Plan be developed and implemented within 6 months from the date of issuance of this Permit. Certification that the QA/QC plan has been developed and implemented is due to EPA and ADEC not later than 6 months from the date of issuance of the permit.

7.2 Basis for Best Management Practices Plan

Best Management Practices (BMPs) in addition to numerical effluent limitations are required to control or abate the discharge of pollutants in accordance with 40 CFR § 122.44(k). The permit requires the development and implementation of a Best Management Practices Plan which prevents or minimizes the generation of pollutants, their release, and potential release from the facility to the waters of the United States through normal operations and ancillary activities, including material storage areas, storm water, loading or unloading operations, or spillage or leaks. The BMP Plan should incorporate elements of pollution prevention as set forth in the Pollution Prevention Act of 1990 [42 U.S.C. § 13101].

The BMP Plan must be amended whenever there is a change in the facility or in the operation of the facility which materially increases the potential for an increased discharge of pollutants. The BMP Plan will become an enforceable condition of the permit; a violation of the BMP Plan will constitute a violation of the permit. Guidance documents are available to support the development of BMP Plans (USEPA 1993, PPRC 1993, Ismond 1994a and 1994b, Nicklason and Hill 1995).

The proposed permit requires that the BMP Plan be developed and implemented within six months from the date of issuance of the Permit. Certification that the BMP plan has been developed and implemented is due to EPA and ADEC not later than 6 months from the date of issuance of the permit.

9.0 OTHER LEGAL REQUIREMENTS

9.1 Coastal Zone Management Act

The Coastal Zone Management Act and its implementing regulations [15 CFR § 930] prohibit EPA from issuing a permit for an activity affecting land or water use in the

coastal zone until the applicant certifies that the proposed activity complies with the State Coastal Zone Management program, and the State or its designated agency concurs with the certification [40 CFR § 122.49(d)]. The applicants identified in Section 2.1 have

certified in the Coastal Project Questionnaire and Certification Statement that the activities authorized by this draft permit are consistent with local and State Coastal Management Plans. The draft permit and request for consistency determination will be submitted to the State of Alaska for State interagency review at the time of public notice.

The requirements for State Coastal Management Review and approval must be satisfied before the permit may be issued. However, EPA has determined and hereby certifies that the General NPDES Permit for Seafood Processors Operating Shorebased Facilities in Kodiak, Alaska, does comply with the State Coastal Zone Management Program.

9.2 Pollution Prevention Act

It is the national policy that, whenever feasible, pollution should be prevented or reduced at the source, that pollution which cannot be prevented should be recycled in an environmentally safe manner, and that disposal or release into the environment should be employed only as a last resort and should be conducted in an environmentally safe manner.

9.3 Endangered Species Act

The Endangered Species Act (ESA) and its implementing regulations [50 CFR Part 402] require EPA to ensure, in consultation with the Secretary of the Interior or Commerce, that any action authorized by EPA is not likely to jeopardize the continued existence of any endangered or threatened species or adversely affect critical habitats [40 CFR § 122.49(c)].

The consulting services will also be able to provide comments on the draft permit and EPA will consider their comments in the final permit decision. EPA will initiate consultation should new information reveal effects not previously considered, should the activities be modified in a manner beyond the scope of the original opinion, or should the activities affect a newly listed species.

A list of endangered and threatened species and species of concern was requested by EPA from the National Marine Fisheries Service and U.S. Fish & Wildlife Service for the Kodiak area.

9.3.1 National Marine Fisheries Service (NMFS)

According to NMFS, several species of endangered whales occur seasonally in waters off the Kodiak Island group but are uncommon in St. Paul Harbor. The Steller sea lion, recently listed as endangered, are commonly found in St. Paul Harbor near the processing facilities. However, there are no designated haulouts or rookeries in the vicinity of the receiving waters.

9.3.2 U.S. Fish & Wildlife Service (USFW)

According to USFW, four species are listed, delisted and proposed in the Kodiak Island area. The American peregrine falcon is endangered; the Arctic peregrine falcon has been delisted; the Short-tailed albatross is endangered; and the Steller's eider (Alaska breeding population) is threatened.

The American peregrine falcons nest throughout the forested interior of Alaska, mainly on cliffs along rivers and near lakes. Those that nest in Alaska winter from the southern U.S. south to Argentina. During spring and fall migrations, they may be present anywhere in Alaska. There is no designated critical habitat for this species in Alaska.

The Arctic peregrine falcon was removed from the list of endangered and threatened species in October 1994. Arctic peregrine falcons nest in the treeless tundra areas of northern and western Alaska and migrate south through Canada and the U.S. During spring and fall migrations, they may be present anywhere in Alaska.

The Alaskan breeding population of Steller's eiders were listed as a threatened species on July 11, 1997. Steller's eiders nest in the coastal tundra area of the Alaskan arctic coastal plain and arctic Russia. Within Alaska, the only known remaining breeding concentration of Steller's eiders in the vicinity of Barrow. Most of the world's population winters in protected marine waters of the Alaska Peninsula, the coastal areas of south central Alaska including Kodiak Island and surrounding islands, and the eastern Aleutian Islands. There is no critical habitat proposed for Steller's eiders.

The Short-tailed albatross is listed as a "foreign" endangered species and is considered listed anywhere outside the 3-mile territorial limit of the U.S. Whereas waters beyond three miles are regulated for U.S. fisheries and off-shore mining to the 200-mile limit, the requirements for ESA consultation apply to activities that occur between 3 and 200 miles from U.S. shores. The albatross spend the non-breeding season (summer and fall) feeding on small fish and squid in the Gulf of Alaska, along the Aleutian chain, and north into the Bering Sea.

9.3.3 EPA Determination

Based on the information received from NMFS, the proposed permit for seafood processors operating shorebased facilities in Kodiak, Alaska, will not affect the listed species for the following reasons:

- ! The identified species of endangered whales are uncommon in St. Paul Harbor.
- ! While the Steller sea lions may be attracted to seafood processing wastes, the wastewater discharge would not provide any feeding opportunities since no solid processing wastes are discharged into the receiving waters.

Based on the information received from USFW, the proposed permit for seafood processors operating shorebased facilities in Kodiak, Alaska, will not affect the listed species for the following reasons:

- ! American Peregrine falcon - while the falcons may be present anywhere in Alaska during migrations, it is unlikely they would be attracted to the seafood processing wastewater discharge to St. Paul Harbor or Near Island Channel in Kodiak.
- ! Arctic Peregrine falcon - this specie has been delisted and while they may be present anywhere in Alaska during migrations, it is unlikely they would be attracted to the seafood processing wastewater discharge to St. Paul Harbor and Near Island Channel in Kodiak.
- ! Steller's eiders - while they winter in protected marine waters and migrate in the spring and fall along coastlines, it is unlikely that they would be attracted to discharges from the Kodiak shorebased facilities to St. Paul Harbor and Near Island Channel in Kodiak..
- ! Short-tailed albatross - the listing for protection is beyond the 3 mile territorial limit and the discharge from the seafood processors occur within St. Paul Harbor and Near Island Channel which is between the Kodiak mainland and Near Island, well within the 3-mile limit.

9.4. Marine Protection, Research and Sanctuaries Act

No marine sanctuaries as designated by this Act exist in the vicinity of the discharge area.

9.5 Oil Spill Requirements

Section 311 of the Clean Water Act prohibits the discharge of oil and hazardous materials in harmful quantities. Discharges specifically controlled by the draft permit are excluded from the provisions of Section 311. However, this permit does not preclude the institution of legal action or relieve the permittee from any responsibilities, liabilities, or penalties for other, unauthorized discharges of toxic pollutants which are covered by Section 311 of the Act.

9.6 State Water Quality Standards and Certification

Since State waters are involved in the draft permit, the provisions of Section 401 of the Act apply. Furthermore, in accordance with 40 CFR § 124.10(c)(1), public notice of the draft permit has been provided to the State of Alaska and Alaska State agencies having jurisdiction over fish, shellfish and wildlife resources, and over coastal zone management plans.

9.7 Presidential Oversight of Federal Regulations [Executive Order 12866]

The Office of Management and Budget has exempted this action from the review requirements of Executive Order 12866 providing for presidential oversight of the regulatory process pursuant to Section 6 of that order.

9.8 Paperwork Reduction Act

EPA has reviewed the requirements imposed on regulated facilities in the permit under the Paperwork Reduction Act. Most of the information collection requirements have already been approved by the Office of Management and Budget (OMB) in submissions made for the NPDES permit program (OMB No. 2040-0004 for DMRs and OMB No. 2040-0086 for applications).

10.0 REFERENCES

Crapo, Chuck, Brian Paust, and Jerry Babbitt. 1993. *Recoveries and yields from Pacific fish and shellfish*. Alaska Sea Grant College Program, Fairbanks, AK.

Ismond, Alan. 1994a. *Best management Practices and Low-tech Solutions for Increasing the Efficiency of Seafood Processing Plants*. Province of British Columbia, Ministry of Agriculture, Fisheries, and Food, Victoria. (Available from Warehousing and Asset Investment Recovery, B.C. Ministry of Finance and Corporate Relations, Brian McNeil (250) 952-4560)

Ismond, Alan. 1994b. *How to Do a Seafood Processing Plant Water, Waste, and Wastewater Audit*. Province of British Columbia, Ministry of Agriculture, Fisheries, and Food, Victoria. (Available from Warehousing and Asset Investment Recovery, B.C. Ministry of Finance and Corporate Relations, Brian McNeil (250) 952-4560)

Jordan, Edward C. Co., Inc. 1979, *Reassessment of effluent limitations guidelines and new source performance standards for the canned and preserved seafood processing point source category*. Prepared by Edward C. Jordan Company for the U.S. Environmental Protection Agency, Effluent Guidelines Division. December 1979.

Nicklason, Peter M., and H. Burney Hill. 1995. *Seafood Processing Handbook for Materials Accounting and Best Management Practices Plans*. October 13, 1995. Seattle, Washington. (Available Region 10 Office of Water, (206) 553-1760)

PPRC. 1993. *Pollution prevention opportunities in the fish processing industry*. Pacific Northwest Pollution Prevention Research Center, Seattle, Washington.

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SWAMC. 1992. *Ways to Reduce, Reuse, and Recycle Solid Waste Generated by Southwest Alaska's Fish Processing Industry*. September 1992. Southwest Alaska Municipal Conference. (Copies available from Region 10 Office of Water, (206) 553-1760)

USEPA. 1975. *Development document for effluent limitations guidelines and new source performance standards for the fish meal, salmon, bottom fish, clam, oyster, sardine, scallop, herring, and abalone segment of the canned and preserved fish and seafood processing industry point source category*. U.S. Environmental Protection Agency, Washington, D.C. EPA 440/1-75/041a. September 1975. (Reference copy available in the Region 10 Library)

USEPA. 1988. *You and Quality Assurance in Region 10*. U.S. Environmental Protection Agency, Region 10 Quality Assurance Management Office, Seattle, Washington. EPA 910/R-88-100. March 1988. (Copies available from Region 10 Office of Water, (206) 553-1760 or on the Internet at <http://www.epa.gov/r10earth/offices/oea/qaindex.htm>)

USEPA. 1994. *EPA Requirements for Quality Assurance Project Plans for Environmental Data Operations*. [Draft Interim Final} U.S. Environmental Protection Agency, Quality Assurance Division, Washington, D.C. EPA QA/R-5. August 1994. (Copies available from Region 10 Office of Water, (206) 553-1760 or on the Internet at <http://www.epa.gov/r10earth/offices/oea/qaindex.htm>)

USEPA. 1996. *The Volunteer Monitors Guide to Quality Assurance Project Plans*. U.S. Environmental Protection Agency, Office of Wetlands, Oceans, and Watersheds, Washington, D.C. EPA 841-B-96-003. September 1996. (Copies available from Region 10 Office of Water, (206) 553-1760 or on the Internet at <http://www.epa.gov/r10earth/offices/oea/qaindex.htm>)

USEPA. 1996. *EPA Guidance for Quality Assurance Project Plans*. [External Working Draft} U.S. Environmental Protection Agency, Quality Assurance Division, Washington, D.C. EPA QA/G-5. November 1996. (Copies available from Region 10 Office of Water, (206) 553-1760 or on the Internet at <http://www.epa.gov/r10earth/offices/oea/qaindex.htm>).

11.0 Attachments (See next three pages)

11.1 CALCULATING MULTI-PROCESSING LIMITS FOR TSS and WHAT TO REPORT (Parameter Code: 00141 “R”)

Raw Incoming Product

	BF Mech	BF Conv	Salmon Conv	Salmon Mech	
9-3	--	157,989 (14%)	703,231 (63%)	253,491 (23%)	1,114,711
9-10	91,386 (8%)	137,221 (12%)	692,862 (62%)	205,392 (18%)	1,126,861
9-18	123,931 (21%)	101,583 (17%)	142,744 (24%)	215,119 (38%)	582,377
9-26	103,159 (26%)	96,442 (25%)	--	193,556 (49%)	393,157
	318,476 (10%)	493,235 (15%)	1,538,837 (48%)	867,558 (27%)	3,218,106

Limits

	DM	MA		DM	MA
Bottom Fish Mech	22	12	Bottom Fish Conv	3.1	1.9
Salmon Mech	44	26	Salmon Conv	2.6	1.6

TSS Daily Max Results

	lbs/day	÷	Prod	=	DM Results	DM Limit
9-3	3088		1115		2.77	12.19
9.10	3381		1127		3.00	11.66

9-18	5793	583	9.93	22.49
9-26	4985	393	12.68 report as TSS DM for "R"	28.06
	17247	3218		

TSS Daily Max Limit for Multi-Processing DM limit x percentage + etc.

9-3		3.1 x .14 [0.43]	+ 2.6 x .63 [1.64]	+ 44 x .23 [10.12]	= 12.19
9-10	22 x .08 [1.76]	+ 3.1 x .12 [0.37]	+ 2.6 x .62 [1.61]	+ 44 x .18 [7.92]	= 11.66
9-18	22 x .21 [4.62]	+ 3.1 x .17 [0.53]	+ 2.6 x .24 [0.62]	+ 44 x .38 [16.72]	= 22.49
9-26	22 x .26 [5.72]	+ 3.1 x .25 [0.78]	+ 44 x .49 [21.56]	= 28.06	

TSS Monthly Average Results for Non-Multi-Processing Total lbs pollutant ÷ lbs/thousand lbs

17247 ÷ 3218 = 5.36 report as MA for "R"

TSS Monthly Average Limit for Multi-Processing MA limit x percentage + etc.

1.6 x .48 [0.77] + 1.9 x .15 [0.29] + 26 x .27 [7.02] + 12 x .10 [1.20] = 9.28 MA Limit

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11.2 CALCULATING MULTI-PROCESSING LIMITS FOR O&G and WHAT TO REPORT

(Parameter code: 00152 "R")

Raw Incoming Product

	BF Mech	BF Conv	Salmon Conv	Salmon Mech	
9-3	--	157,989 (14%)	703,231 (63%)	253,491 (23%)	1,114,711
9-10	91,386 (8%)	137,221 (12%)	692,862 (62%)	205,392 (18%)	1,126,861
9-18	123,931 (21%)	101,583 (17%)	142,744 (24%)	215,119 (38%)	582,377
9-26	103,159 (26%)	96,442 (25%)	--	193,556 (49%)	393,157
	318,476 (10%)	493,235 (15%)	1,538,837 (48%)	867,558 (27%)	3,218,106

Limits

	DM	MA		DM	MA
Bottom Fish Mech	9.9	3.9	Bottom Fish Conv	4.3	0.56
Salmon Mech	29	11	Salmon Conv	0.31	0.19

O&G Daily Max Results

	lbs/day	÷	Prod	=	DM Results	DM Limit
9-3	4300		1115		3.86	7.47
9-10	5730		1127		5.08	6.73

9-18	4545	583	7.80.	13.90
9-26	7140	393	16.17 report as TSS DM for “R”	21.48
	21715	3218		

O&G Daily Max Limit for Multi-Processing DM limit x percentage + etc.

9-3		4.3 x .14 [0.60] + .31 x .63 [0.20] + 29 x .23 [6.67]	= 7.47
9-10	9.9 x .08 [0.79] + 4.3 x .12 [0.52] + .31 x .62 [0.19] + 29 x .18 [5.22]		= 6.73
9-18	9.9 x .21 [2.08] + 4.3 x .17 [0.73] + .31 x .24 [0.07] + 29 x .38 [11.02]		= 13.90
9-26	9.9 x .26 [6.19] + 4.3 x .25 [1.08] +	+ 29 x .49 [14.21]	= 21.48

O&G Monthly Average Results for Non-Multi-Processing Total lbs pollutant ÷ lbs/thousand lbs

23715 ÷ 3218 = 6.75 report as TSS MA for “R”

O&G Monthly Average Limit for Multi-Processing MA limit x percentage + etc.

0.19 x .48 [0.09] + 0.56 x .15 [3.73] + 11 x .27 [2.97] + 3.9 x .10 [0.39] = 7.18 MA Limit